

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2005-

AMENDING THE WATER QUALITY CONTROL PLAN  
FOR  
THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS  
FOR THE CONTROL OF DIAZINON AND CHLORPYRIFOS RUNOFF INTO THE  
SAN JOAQUIN RIVER

WHEREAS, in 1975 the California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board) adopted a Water Quality Control Plan (hereafter Basin Plan) for the Sacramento River and San Joaquin River Basins, which has been amended occasionally; and

1. The Basin Plan may be amended in accordance with Water Code Section 13240, et seq.; and
2. Water Code Section 13241 authorizes the Central Valley Water Board to establish water quality objectives and Section 13242 sets forth the requirements for a program for implementation for achieving water quality objectives; and
3. The Bay Protection Program Clean-up Plan for the Delta, which has been approved by the Central Valley Water Board and State Water Resources Control Board, includes requirements to develop a Basin Plan Amendment for diazinon and chlorpyrifos in the San Joaquin River; and
4. The San Joaquin River has been identified under the federal Clean Water Act Section 303(d) as an impaired waterbody due to elevated concentrations of diazinon and chlorpyrifos; and
5. The Central Valley Water Board recognizes that the Basin Plan does not include numeric water quality objectives for diazinon and chlorpyrifos, nor a plan to reduce diazinon and chlorpyrifos concentrations in the San Joaquin River; therefore, a Basin Plan amendment is appropriate; and
6. The proposed amendment recognizes the Central Valley Water Board's intent to adopt diazinon water quality objectives prior to the loading capacity compliance dates; and
7. The proposed amendment adds technical descriptions of the Lower San Joaquin River and its component subareas contained in Appendix 41 in Attachment 1 ; and
8. The proposed amendment modifies Basin Plan Chapter III (Water Quality Objectives) to establish site-specific numeric objectives for chlorpyrifos in the San Joaquin River; and

9. The proposed amendment identifies the requirement to meet the additive toxicity formula already in Basin Plan Chapter IV (Implementation), for the additive toxicity of diazinon and chlorpyrifos; and
10. The proposed amendment modifies Basin Plan Chapter IV (Implementation) to establish an implementation program to reduce pesticide runoff and diazinon and chlorpyrifos discharges into the San Joaquin River, including the loading capacity and allocation requirements of a Total Maximum Daily Load (TMDL); and
11. The proposed amendment modifies Basin Plan Chapter V (Surveillance and Monitoring) to include monitoring requirements to allow the Central Valley Water Board to assess progress in reducing diazinon and chlorpyrifos discharges and preventing toxicity from pesticide runoff; and
12. The proposed amendment requires dischargers of diazinon and chlorpyrifos to develop and implement a plan to reduce diazinon and chlorpyrifos levels in the San Joaquin River; and
13. The Central Valley Water Board has considered the factors set forth in Water Code section 13241, including economic considerations, in developing this proposed amendment. The costs of implementing the proposed amendment are reasonable relative to the water quality benefits to be derived from implementing the proposed amendment, considering the size of the geographic area included in the amendment, and that the estimated costs of compliance with this amendment duplicate to some extent the costs that will be incurred to comply with the Irrigated Lands Conditional Waiver and Basin Plan Amendments for salt, boron and dissolved oxygen pending State Water Board approval; and
14. Central Valley Water Board staff developed a staff report and draft Basin Plan Amendment for external scientific peer review in February 2005 in accordance with Health and Safety Code § 57004 and the staff report and amendment have been changed to conform to the recommendations of the peer reviewers or staff has provided an explanation of why no change was made; and
15. The Central Valley Water Board has determined that the scientific portions of the Basin Plan Amendment are based on sound scientific knowledge, methods, and practices in accordance with Health and Safety Code § 57004; and
16. The proposed amendment requires actions to be taken to implement management practices to ensure compliance with water quality objectives. Such actions are of maximum benefit to the people of the state. Reduction of discharges of diazinon and chlorpyrifos to the San Joaquin River is necessary to protect the beneficial uses of waters of the San Joaquin River. The proposed amendment will not unreasonably affect present and anticipated beneficial uses nor result in water

quality less than described in applicable policies because the amendment is intended to result in compliance with water quality objectives. The actions to be taken are not expected to cause other impacts on water quality.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

For purposes of adoption of this Resolution, the Central Valley Water Board is the lead agency pursuant to CEQA (Public Resources Code sections 21100 et seq.).

1. Central Valley Water Board staff held a California Environmental Quality Act (CEQA) scoping meeting and public workshop on 19 January 2005 to identify any significant issues that must be considered, and Central Valley Water Board staff held a public workshop on 21 September 2005 to receive comments on the draft Basin Plan Amendment and staff report; and
2. Central Valley Water Board staff has circulated a Notice of Public Hearing, Notice of Filing, a written staff report, an environmental checklist, and a draft proposed amendment to interested individuals and public agencies, including persons having special expertise with regard to the environmental effects involved with the proposed amendment, for review and comment in accordance with state and federal environmental regulations (23 CCR Section 3775, 40 CFR 25, and 40 CFR 131); and
3. The Central Valley Water Board held a public hearing on 2X October 2005, for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code, section 13244; and
4. The basin planning process has been certified as “functionally equivalent” to the CEQA requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.); and
5. Central Valley Water Board staff completed an environmental checklist and functional equivalent document in compliance with the provisions of CEQA that concluded that the proposed amendment will have no potential for adverse effects, either individually or cumulatively, on wildlife or the environment; and
6. The Central Valley Water Board concurs with staff’s conclusion that the proposed amendment will have no potential for adverse effects, either individually or cumulatively, on wildlife or the environment; and

7. A Basin Plan amendment must be approved by the State Water Resources Control Board, the Office of Administrative Law, and the U.S. Environmental Protection Agency before becoming effective; and
8. The proposed amendment will not result in degradation of the San Joaquin River water quality and maintains the level of water quality necessary to protect existing and anticipated beneficial uses; and
9. This regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b):

**THEREFORE BE IT RESOLVED:**

1. Pursuant to sections 13240, et seq. of the California Water Code, the Central Valley Water Board, after considering the entire record, including oral testimony at the hearing, hereby adopts an amendment to the Basin Plan to establish a site-specific numeric water quality objective for chlorpyrifos, and to establish a water quality program of implementation to reduce diazinon and chlorpyrifos discharges and pesticide runoff into the San Joaquin River, as set forth in Attachment 1; and
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Resources Control Board in accordance with the requirements of Section 13245 of the California Water Code; and
3. The Central Valley Water Board requests that the State Water Resources Control Board approve the Basin Plan amendment in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward it to the Office of Administrative Law and the U.S. Environmental Protection Agency; and
4. If during its approval process the State Water Resources Control Board, or Office of Administrative Law, or U.S. Environmental Protection Agency determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Central Valley Water Board of any such changes; and
5. The Executive Officer is authorized to sign a Certificate of Fee Exemption and following approval of the Basin Plan amendment by the U.S. Environmental Protection Agency submit this Certificate in lieu of payment of the Department of Fish and Game filing fee to the Secretary for Resources; and
6. Following approval of the Basin Plan amendment by the U.S. Environmental Protection Agency, the Executive Officer shall file a Notice of Decision with the State Clearinghouse.

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I, THOMAS R. PINKOS, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 2X October 2005.

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THOMAS R. PINKOS, Executive Officer